

PATENT

Application No. 09/283,389
Attorney Docket No.: 98-099

**R E M A R K S
a n d
T E L E P H O N E I N T E R V I E W S U M M A R Y**

Claims 1-121 are pending in the present application. Of the pending claims, only claims 1, 24, 46, 67, 92 and 101 are independent. Claims 92 – 100 have been cancelled herein. Upon entry of this Amendment, which is respectfully requested for the reasons set forth below, claims 1 – 91 and 101 – 121 will remain pending.

Claims 1 – 121 were previously subject to a restriction requirement, wherein claims 1 – 91 had been classified by Examiner as comprising a first group and claims 92 – 121 had been classified by Examiner as comprising a second group. Applicants had elect to prosecute the first group of claims (claims 1 – 91) in the present application. However, during the Telephone Interview of August 18, 2003, Examiner stated that the restriction requirement was being withdrawn and each of claims 1 – 121 were being examined together. Applicants thank Examiner for withdrawing the restriction requirement.

On August 18, 2003 Examiner initiated a telephone interview to discuss allowance of the pending claims. During this telephone interview, Examiner made several suggestions as to how the claims may be amended to further clarify which entity is performing which steps. Applicants sincerely appreciate each of Examiner's suggestions and have incorporated the several of the suggestions in the present amendment.

For example, claims 1, 24, and 67 have each been amended to clarify, consistent with at least one embodiment, that the step of "searching" is done "based on the inquiry". Claims 1, 24, and 101 have each been amended to clarify, consistent with at least one embodiment, that the "offer" in the step of "transmitting" is transmitted "from the supplier and to the first person". Applicants note that claims 1, 24, and 101 each previously recited that the offer was transmitted "to the first person" and this clause has simply been moved to a different placement in the recited feature, for enhanced clarity. Claims 1, 24, 46, 67,

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and 101 have each been amended to clarify that the "offer for the second product" comprises an "offer to exchange the first product for the second product".

The preamble of each of claims 1, 24, 46, 67, and 101 has been amended to recite that it is a method or system for a supplier to offer "a second product to a first person" rather than "multiple products to a first person". This amendment to the preamble was inserted at Examiner's suggestion, to clarify the at least one embodiment being claimed in each respective claim. Applicants note that more than one second product may be included in the offer and that this amendment to the preamble is not meant to imply that only a single second product may be offered by the supplier.

Applicants further appreciate Examiner's suggestion to amend the first step of claim 1 to read "storing data relating to a first product that has been provided to the first person by the supplier and data identifying the first person in a memory of a computer" (language suggested for insertion being underlined). However, as agreed by Examiner, this additional language is not necessary to overcome the prior art, since the claim as it reads without this additional language is patentable over the prior art known of by Examiner and Applicants. As Examiner pointed out, inserting the suggested language would have the benefit of making the claim easier to interpret. However, as pointed out by Applicants, the inserted language would have the drawback of precluding certain embodiments that are otherwise encompassed by the claim. Since the suggested language is not necessitated by the prior art, Applicants have not inserted such language and gratefully acknowledge Examiner's agreement that the claim is patentable without the language.

Claims 92 – 100 have been cancelled herein, without prejudice or disclaimer and for reasons unrelated to patentability.

If Examiner has any further questions, concerns, or suggestions regarding the pending claims, Applicants encourage Examiner to contact Applicants' representative at the telephone number listed below.

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For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number 203-461-7041 or via electronic mail at mfincham@walkerdigital.com.

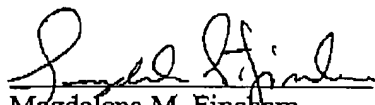
Petition for Extension of Time to Respond

Applicants do not believe any petition or fee for an extension of time is due with this Amendment. However, if a fee should be due, please charge any additional fees that may be required for this Amendment, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date


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